

84773

May 4, 2021

TO: Honorable Board of Acquisition and Contract

FROM: Hugh J. Greechan, Jr., P.E.
Commissioner of Public Works and Transportation

Christopher D. Steers
Director of Countywide Administrative Services

SUBJECT: Authority to enter into a lease agreement with 375 Executive LLC as tenant-in-common as to a 36.31% undivided interest and New Executive, LLC as tenant-in-common as to a 63.69% undivided interest, for space located at 375 Executive Boulevard, Elmsford, New York for the term January 1, 2022 through December 31, 2026.
(Lease Agreement No. 21-918)

Authority is requested for your Honorable Board to approve a Lease between the County of Westchester (the "County") and 375 Executive, LLC as tenant-in-common as to a 36.31% undivided interest and New Executive, LLC as tenant-in-common as to a 63.69% undivided interest ("375 Executive and New Executive"), for space located at 375 Executive Boulevard, Elmsford, New York for a term commencing January 1, 2022 and terminating December 31, 2026. The County entered into a lease with 375 Executive and New Executive for the space dated December 14, 2016 which will expire on December 31, 2021. The space is utilized by the Record Center, the Department of Information Technology, and the District Attorney.

Pursuant to the lease, the County will pay Fixed Rent as follows:

<u>Year</u>	<u>Annual Fixed Rent (exclusive of electric)</u>	<u>Monthly Fixed Rent (exclusive of electric)</u>
1/1/2022-12/31/2023	\$413,875.00	\$34,489.58
1/1/2024-12/31/2024	\$426,291.25	\$35,524.27
1/1/2025-12/31/2025	\$439,080.00	\$36,590.00
1/1/2026-12/31/2026	\$452,252.39	\$37,687.70

The County will be responsible for electricity and gas consumed on the leased premises. Additionally, except for the negligence of the owner, the County will indemnify and hold harmless the owner, its officers, employees and agents from and against any and all liability, damage, claims, demands, costs, judgments, fees, reasonable attorney's fees or loss arising directly or indirectly from any damage to any person or property occurring in, on or about the leased premises arising from the wrongful acts or negligence of the County, its employees, agents, contractors or invitees.

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This lease is in the public's best interest as it will provide the Record Center, Department of Information Technology and the District Attorney's Office with office space necessary to offer services to residents of the County.

The lease will be monitored by the Department of Public Works and Transportation.

Therefore, we recommend approval of the annexed Resolution.

HJG/CDS/di
Attachment

APPROVED BOARD OF ACQUISITION & CONTRACT 07/01/2021 - LES MARIJAJ, SECRETARY

RESOLUTION

Upon a communication from the Commissioner of Public Works and Transportation and the Director of Countywide Administrative Services, be it hereby

RESOLVED, that the County of Westchester (the “County”) is hereby authorized to enter into a lease with 375 Executive LLC as tenant-in-common as to a 36.31% undivided interest and New Executive, LLC as tenant-in-common as to a 63.69% undivided interest, for space located at 375 Executive Boulevard, Elmsford, New York for a term commencing January 1, 2022 through December 31, 2026; and be it further

RESOLVED, that pursuant to the lease, the County shall pay Fixed Rent as follows:

<u>Year</u>	<u>Annual Fixed Rent (exclusive of electric)</u>	<u>Monthly Fixed Rent (exclusive of electric)</u>
1/1/2022-12/31/2023	\$413,875.00	\$34,489.58
1/1/2024-12/31/2024	\$426,291.25	\$35,524.27
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1/1/2026-12/31/2026	\$452,252.39	\$37,687.70

and be it further

RESOLVED, that the County shall be responsible for electricity and gas consumed on the leased premises; and be it further

RESOLVED, that except for the negligence of the owner, the County shall indemnify and hold harmless the owner, its officers, employees and agents from and against any and all liability, damage, claims, demands, costs, judgments, fees, reasonable attorney’s fees or loss arising directly or indirectly from any damage to any person or property occurring in, on or about the leased premises arising from the wrongful acts or negligence of the County, its employees, agents, contractors or invitees; and be it further

RESOLVED, that the County Executive or his authorized designee is hereby authorized to execute all instruments necessary to implement this Resolution.

Lease Agreement No. 21-918

Account to be Charged/Credited	Fund	Dept.	Major Program, Program & Phase Or Unit	Object/ Sub Object	Trust Account	Dollars
	101	46	3300	4320		\$413,875.00 (2022)
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	101	46	3300	4320		\$426,291.25 (2024)
	101	46	3300	4320		\$439,080.00 (2025)
	101	46	3300	4320		\$452,252.39 (2026)

Budget Funding Year(s): 2022-2026 Start Date: 01/01/2022 End Date: 12/31/2026
(must match resolution)

Funding Source: Tax Dollars 100% County

State Aid _____

\$2,145,373.64 Federal Aid _____
(must match resolution)

Other _____